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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) No. CR 10-00450-EJD
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM MAY
17 STEVEN FOSTER,) 14, 2012 TO NOVEMBER 5, 2012 FROM
18 Defendant.) THE SPEEDY TRIAL ACT
19 _____) CALCULATION (18 U.S.C. §
3161(h)(7)(A))

20 On May 14, 2012, the parties appeared before this Court for a status hearing/trial setting
21 conference. The Court set the matter for trial beginning on November 5, 2012 with jury
22 selection. Trial is scheduled to commence the following day.

23 The parties stipulate that the time between today's court appearance, May 14, 2012, and
24 the beginning of trial, November 5, 2012, is excluded under the Speedy Trial Act, 18 U.S.C.
25 §3161, and agree that the failure to grant the requested trial date would unreasonably deny the
26 defense counsel and the government reasonable time necessary for effective preparation, taking
27 into account the exercise of due diligence. Finally, the parties agree that the ends of justice
28 served by granting the requested trial date outweigh the best interest of the public, and the

1 defendants in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C.
2 §3161(h)(7)(A).

4 DATED: May 15, 2012

MELINDA HAAG
United States Attorney

6 _____/s/_____
7 JEFFREY B. SCHENK
Assistant United States Attorney

9 _____/s/
10 MANUEL ARAUJO
Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 10-00450-EJD
Plaintiff,)
v.)
STEVEN FOSTER,)
Defendant.)

~~REPO~~OSITION ORDER EXCLUDING
TIME FROM MAY 14, 2012 TO
NOVEMBER 5, 2012 FROM THE
SPEEDY TRIAL ACT CALCULATION
(18 U.S.C. § 3161(h)(7)(A))

ORDER

21 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
22 ORDERS that the time between May 14, 2012 and the beginning of trial, November 5, 2012, is
23 excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to set the
24 case for trial on November 5, 2012 would unreasonably deny the defense counsel and the
25 government reasonable time necessary for effective preparation, taking into account the exercise
26 of due diligence. Furthermore, the Court finds that the ends of justice served by granting the
27 requested continuance through the current trial date outweigh the best interest of the public and
28 the defendants in a speedy trial and in the prompt disposition of criminal cases. The court

1 therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(7)(A).
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3 IT IS SO ORDERED.
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5 DATED: May 15, 2012
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EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE